

House Bill 1474

By: Representative Sellier of the 136th

A BILL TO BE ENTITLED
AN ACT

To amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, so as to require publishers and distributors of unsolicited newspapers to create and maintain a Do Not Receive Registry; to prohibit the delivery of unsolicited newspapers to residents who are on the registry; to provide for definitions; to provide for civil and criminal penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is amended by adding a new chapter to read as follows:

"CHAPTER 16

10-16-1.

As used in this chapter, the term:

(1) 'Deliver' means to distribute, deposit, throw, cast, or place, or cause or permit to be distributed, deposited, thrown, cast, or placed, directly or indirectly by an agent, employee, or otherwise, but shall not include delivery by the United States Postal Service or by a commercial courier or a commercial package delivery service that allows customers to track the status of their shipments by destination, date, and time of delivery or by handing directly to the owner or occupant then present on the property.

(2) 'Distributor' means a person, other than a publisher, who engages in the business of circulating or delivering newspapers.

(3) 'Do Not Receive Registry' means a registry created and maintained by a publisher or distributor that consists of those residents that do not wish to receive an unsolicited newspaper from the business.

(4) 'Newspaper' means any publication issued yearly, monthly, or more frequently, whether in broadsheet, tabloid, or other sheet or booklet form, containing information or editorials on current events or news of general or local interest and commercial advertising and information, irrespective of content, subject matter, or viewpoint, and shall include without limitation a newspaper of general circulation or any newspaper duly entered with the United States Postal Service.

(5) 'Person' means any individual, partnership, association, fiduciary, corporation, or organized group of persons, whether or not incorporated.

(6) 'Publisher' means a person who engages in the business of printing and issuing for circulation or causing to be printed and issued for circulation a newspaper.

(7) 'Resident' means an owner or occupant of a premises in this state having a mailing address.

(8) 'Unsolicited newspaper' means a newspaper to which no resident of the premises to which it is delivered currently subscribes.

10-16-2.

(a) Any publisher or distributor shall prominently and conspicuously print or cause to be printed all of the following information on the front cover of any unsolicited newspaper to be delivered to any resident:

(1) A statement in boldface type that reads, 'IF YOU NO LONGER WISH TO RECEIVE THIS NEWSPAPER, PLEASE CALL THE FOLLOWING NUMBER, WRITE TO THE FOLLOWING ADDRESS, OR E-MAIL THE FOLLOWING E-MAIL ADDRESS:'; and

(2) A toll-free number, a mailing address, and an e-mail address and Internet website for the business that the resident may use to provide verbal, written, or electronic notice to the publisher or distributor that the resident no longer wishes to receive the unsolicited newspaper and requests to be entered into the Do Not Receive Registry.

(b) Any publisher or distributor shall include on its Internet website its e-mail address under subsection (a) of this Code section and information that is prominently and conspicuously placed on how a resident may enter his or her name and mailing address and verify that his or her name and mailing address has been entered into the Do Not Receive Registry.

10-16-3.

(a) The publisher or distributor shall enter the name and mailing address of each resident into its Do Not Receive Registry who notifies such publisher or distributor that the resident no longer wishes to receive the unsolicited newspaper.

59 (b) The publisher or distributor shall not remove the name and mailing address of the
60 resident from its Do Not Receive Registry unless the publisher or distributor receives
61 notice from the resident to remove the resident's name and mailing address from such
62 registry.

63 10-16-4.

64 (a) A publisher or distributor shall not distribute an unsolicited newspaper to a resident
65 who notifies such publisher or distributor that the resident no longer wishes to receive the
66 newspaper.

67 10-16-5.

68 Any person convicted of a violation of this chapter shall be guilty of a misdemeanor.

69 10-16-6.

70 Any person aggrieved by a violation of this chapter may, in a civil action in any court of
71 competent jurisdiction, obtain appropriate relief, including preliminary and other equitable
72 or declaratory relief, compensatory and punitive damages, reasonable investigation
73 expenses, cost of suit, and reasonable attorney's fees."

74 **SECTION 2.**

75 All laws and parts of laws in conflict with this Act are repealed.